

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1447 be amended to read as follows:

- 1 Page 86, between lines 19 and 20, begin a new paragraph and insert:
- 2 "SECTION 64. IC 6-3.5-1.1-25, AS AMENDED BY P.L.146-2008,
- 3 SECTION 332, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) As used in this section,
- 5 "public safety" refers to the following:
- 6 (1) A police and law enforcement system to preserve public peace
- 7 and order.
- 8 (2) A firefighting and fire prevention system.
- 9 (3) Emergency ambulance services (as defined in
- 10 IC 16-18-2-107).
- 11 (4) Emergency medical services (as defined in IC 16-18-2-110).
- 12 (5) Emergency action (as defined in IC 13-11-2-65).
- 13 (6) A probation department of a court.
- 14 (7) Confinement, supervision, services under a community
- 15 corrections program (as defined in IC 35-38-2.6-2), or other
- 16 correctional services for a person who has been:
- 17 (A) diverted before a final hearing or trial under an agreement
- 18 that is between the county prosecuting attorney and the person
- 19 or the person's custodian, guardian, or parent and that provides
- 20 for confinement, supervision, community corrections services,
- 21 or other correctional services instead of a final action
- 22 described in clause (B) or (C);
- 23 (B) convicted of a crime; or
- 24 (C) adjudicated as a delinquent child or a child in need of

- 1 services.
- 2 (8) A juvenile detention facility under IC 31-31-8.
- 3 (9) A juvenile detention center under IC 31-31-9.
- 4 (10) A county jail.
- 5 (11) A communications system (as defined in IC 36-8-15-3) or an
- 6 enhanced emergency telephone system (as defined in
- 7 IC 36-8-16-2).
- 8 (12) Medical and health expenses for jail inmates and other
- 9 confined persons.
- 10 (13) Pension payments for any of the following:
- 11 (A) A member of the fire department (as defined in
- 12 IC 36-8-1-8) or any other employee of a fire department.
- 13 (B) A member of the police department (as defined in
- 14 IC 36-8-1-9), a police chief hired under a waiver under
- 15 IC 36-8-4-6.5, or any other employee hired by a police
- 16 department.
- 17 (C) A county sheriff or any other member of the office of the
- 18 county sheriff.
- 19 (D) Other personnel employed to provide a service described
- 20 in this section.
- 21 ~~(b) If a county council has imposed a tax rate of at least twenty-five~~
- 22 ~~hundredths of one percent (0.25%) under section 24 of this chapter; a~~
- 23 ~~tax rate of at least twenty-five hundredths of one percent (0.25%) under~~
- 24 ~~section 26 of this chapter; or a total combined tax rate of at least~~
- 25 ~~twenty-five hundredths of one percent (0.25%) under sections 24 and~~
- 26 ~~26 of this chapter; the county council may also adopt an ordinance to~~
- 27 ~~impose an additional tax rate under this section to provide funding for~~
- 28 ~~public safety.~~
- 29 ~~(c)~~ **(b) The county council may adopt an ordinance to impose an**
- 30 **additional tax rate under this section to provide funding for public**
- 31 **safety.** A tax rate under this section may not exceed twenty-five
- 32 hundredths of one percent (0.25%).
- 33 ~~(d)~~ **(c)** If a county council adopts an ordinance to impose a tax rate
- 34 under this section, the county auditor shall send a certified copy of the
- 35 ordinance to the department and the department of local government
- 36 finance by certified mail.
- 37 ~~(e)~~ **(d)** A tax rate under this section is in addition to any other tax
- 38 rates imposed under this chapter and does not affect the purposes for
- 39 which other tax revenue under this chapter may be used.
- 40 ~~(f)~~ **(e)** Except as provided in subsection ~~(k)~~, **(j)**, the county auditor
- 41 shall distribute the portion of the certified distribution that is
- 42 attributable to a tax rate under this section to the county and to each
- 43 municipality in the county. The amount that shall be distributed to the
- 44 county or municipality is equal to the result of:
- 45 (1) the portion of the certified distribution that is attributable to a
- 46 tax rate under this section; multiplied by

(2) a fraction equal to:

(A) the attributed allocation amount (as defined in IC 6-3.5-1.1-15) of the county or municipality for the calendar year; divided by

(B) the sum of the attributed allocation amounts of the county and each municipality in the county for the calendar year.

The county auditor shall make the distributions required by this subsection not more than thirty (30) days after receiving the portion of the certified distribution that is attributable to a tax rate under this section. Tax revenue distributed to a county or municipality under this subsection must be deposited into a separate account or fund and may be appropriated by the county or municipality only for public safety purposes.

~~(g)~~ (f) The department of local government finance may not require a county or municipality receiving tax revenue under this section to reduce the county's or municipality's property tax levy for a particular year on account of the county's or municipality's receipt of the tax revenue.

~~(h)~~ (g) The tax rate under this section and the tax revenue attributable to the tax rate under this section shall not be considered for purposes of computing:

(1) the maximum income tax rate that may be imposed in a county under section 2 of this chapter or any other provision of this chapter;

(2) the maximum permissible property tax levy under STEP EIGHT of IC 6-1.1-18.5-3(b);

(3) the total county tax levy under IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5) (before the repeal of IC 6-1.1-21); or

(4) the credit under IC 6-1.1-20.6.

~~(i)~~ (h) The tax rate under this section may be imposed or rescinded at the same time and in the same manner that the county may impose or increase a tax rate under section 24 of this chapter.

~~(j)~~ (i) The department of local government finance and the department of state revenue may take any actions necessary to carry out the purposes of this section.

~~(k)~~ (j) Two (2) or more political subdivisions that are entitled to receive a distribution under this section may adopt resolutions providing that some part or all of those distributions shall instead be paid to one (1) political subdivision in the county to carry out specific public safety purposes specified in the resolutions."

Page 97, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 69. IC 6-3.5-6-31, AS AMENDED BY P.L.146-2008, SECTION 342, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) As used in this section, "public safety" refers to the following:

(1) A police and law enforcement system to preserve public peace and order.

(2) A firefighting and fire prevention system.

(3) Emergency ambulance services (as defined in IC 16-18-2-107).

(4) Emergency medical services (as defined in IC 16-18-2-110).

(5) Emergency action (as defined in IC 13-11-2-65).

(6) A probation department of a court.

(7) Confinement, supervision, services under a community corrections program (as defined in IC 35-38-2.6-2), or other correctional services for a person who has been:

(A) diverted before a final hearing or trial under an agreement that is between the county prosecuting attorney and the person or the person's custodian, guardian, or parent and that provides for confinement, supervision, community corrections services, or other correctional services instead of a final action described in clause (B) or (C);

(B) convicted of a crime; or

(C) adjudicated as a delinquent child or a child in need of services.

(8) A juvenile detention facility under IC 31-31-8.

(9) A juvenile detention center under IC 31-31-9.

(10) A county jail.

(11) A communications system (as defined in IC 36-8-15-3) or an enhanced emergency telephone system (as defined in IC 36-8-16-2).

(12) Medical and health expenses for jail inmates and other confined persons.

(13) Pension payments for any of the following:

(A) A member of the fire department (as defined in IC 36-8-1-8) or any other employee of a fire department.

(B) A member of the police department (as defined in IC 36-8-1-9), a police chief hired under a waiver under IC 36-8-4-6.5, or any other employee hired by a police department.

(C) A county sheriff or any other member of the office of the county sheriff.

(D) Other personnel employed to provide a service described in this section.

(b) The county income tax council may adopt an ordinance to impose an additional tax rate under this section to provide funding for public safety, if:

(1) the county income tax council has imposed a tax rate under section 30 of this chapter, in the case of a county containing a consolidated city; or

(2) the county income tax council has imposed a tax rate of at

1       least twenty-five hundredths of one percent (0.25%) under section  
 2       30 of this chapter; a tax rate of at least twenty-five hundredths of  
 3       one percent (0.25%) under section 32 of this chapter; or a total  
 4       combined tax rate of at least twenty-five hundredths of one  
 5       percent (0.25%) under sections 30 and 32 of this chapter; in the  
 6       case of a county other than a county containing a consolidated  
 7       city.

8       ~~(c)~~ **(b) The county income tax council may adopt an ordinance**  
 9       **to impose an additional tax rate under this section to provide**  
 10       **funding for public safety.** A tax rate under this section may not  
 11       exceed the following:

- 12       (1) Five-tenths of one percent (0.5%), in the case of a county  
 13       containing a consolidated city.  
 14       (2) Twenty-five hundredths of one percent (0.25%), in the case of  
 15       a county other than a county containing a consolidated city.

16       ~~(d)~~ **(c)** If a county income tax council adopts an ordinance to impose  
 17       a tax rate under this section, the county auditor shall send a certified  
 18       copy of the ordinance to the department and the department of local  
 19       government finance by certified mail.

20       ~~(e)~~ **(d)** A tax rate under this section is in addition to any other tax  
 21       rates imposed under this chapter and does not affect the purposes for  
 22       which other tax revenue under this chapter may be used.

23       ~~(f)~~ **(e)** Except as provided in subsection ~~(f)~~, **(k)**, the county auditor  
 24       shall distribute the portion of the certified distribution that is  
 25       attributable to a tax rate under this section to the county and to each  
 26       municipality in the county. The amount that shall be distributed to the  
 27       county or municipality is equal to the result of:

- 28       (1) the portion of the certified distribution that is attributable to a  
 29       tax rate under this section; multiplied by  
 30       (2) a fraction equal to:  
 31       (A) the total property taxes being collected in the county by  
 32       the county or municipality for the calendar year; divided by  
 33       (B) the sum of the total property taxes being collected in the  
 34       county by the county and each municipality in the county for  
 35       the calendar year.

36       The county auditor shall make the distributions required by this  
 37       subsection not more than thirty (30) days after receiving the portion of  
 38       the certified distribution that is attributable to a tax rate under this  
 39       section. Tax revenue distributed to a county or municipality under this  
 40       subsection must be deposited into a separate account or fund and may  
 41       be appropriated by the county or municipality only for public safety  
 42       purposes.

43       ~~(g)~~ **(f)** The department of local government finance may not require  
 44       a county or municipality receiving tax revenue under this section to  
 45       reduce the county's or municipality's property tax levy for a particular  
 46       year on account of the county's or municipality's receipt of the tax

1 revenue.

2 ~~(h)~~ (g) The tax rate under this section and the tax revenue  
3 attributable to the tax rate under this section shall not be considered for  
4 purposes of computing:

5 (1) the maximum income tax rate that may be imposed in a county  
6 under section 8 or 9 of this chapter or any other provision of this  
7 chapter;

8 (2) the maximum permissible property tax levy under STEP  
9 EIGHT of IC 6-1.1-18.5-3(b);

10 (3) the total county tax levy under IC 6-1.1-21-2(g)(3),  
11 IC 6-1.1-21-2(g)(4), or IC 6-1.1-21-2(g)(5) (before the repeal of  
12 IC 6-1.1-21); or

13 (4) the credit under IC 6-1.1-20.6.

14 ~~(i)~~ (h) The tax rate under this section may be imposed or rescinded  
15 at the same time and in the same manner that the county may impose  
16 or increase a tax rate under section 30 of this chapter.

17 ~~(j)~~ (i) The department of local government finance and the  
18 department of state revenue may take any actions necessary to carry out  
19 the purposes of this section.

20 ~~(k)~~ (j) Notwithstanding any other provision, in Lake County the  
21 county council (and not the county income tax council) is the entity  
22 authorized to take actions concerning the additional tax rate under this  
23 section.

24 ~~(l)~~ (k) Two (2) or more political subdivisions that are entitled to  
25 receive a distribution under this section may adopt resolutions  
26 providing that some part or all of those distributions shall instead be  
27 paid to one (1) political subdivision in the county to carry out specific  
28 public safety purposes specified in the resolutions."

29 Renumber all SECTIONS consecutively.

(Reference is to HB 1447 as printed February 20, 2009.)

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Representative Thompson